

EXECUTIVE OFFICER SUMMARY REPORT
June 11, 2003

ITEM:	18
SUBJECT:	A Resolution modifying the Regional Board's Waiver Policy to make corrections in response to the results of the State Office of Administrative Law (OAL) review. (<i>Christina Arias</i>)
PURPOSE:	Consider adoption of Tentative Resolution No. R09-2003-0262 to make minor changes to the Waiver Policy that the Regional Board adopted as a Basin Plan amendment on September 11, 2002, and modified on February 5, 2003.
PUBLIC NOTICE:	<p>Public notification for Tentative Resolution No. R09-2003-0262 was via the Regional Board Agenda Notice for the June 11, 2003 meeting. The Regional Board Agenda Notice was mailed on May 23, 2003 and has been posted on the Regional Board's web page.</p> <p>In considering this matter the Regional Board will be relying on the public noticing process for and the resulting comments and testimony received prior to and during the September 11, 2002 Public Hearing, following which the Waiver Policy was re-issued. The public noticing process for the September 11, 2002 action consisted of the following.</p> <ul style="list-style-type: none">• A public workshop/CEQA scoping meeting on the proposed Basin Plan amendment, noticed by mail on April 30, 2002 and conducted by the Regional Board on May 20, 2002.• A Public Hearing notice and CEQA Notice of Filing, published in the Orange County Register and Riverside Press Enterprise on July 27, 2002, and the San Diego Union Tribune on July 28, 2002. These notices as well as copies of the proposed Basin Plan amendment, staff report and CEQA checklist were mailed to interested persons on July 26, 2002. These items were also available for public review at the Regional Board office beginning July 26, 2002 and made available on the Regional Board website. <p>These actions served as the 45-day official public notification of the Basin Plan amendment action as required by Title 40, Section</p>

	25.5 of the Code of Federal Regulations (40 CFR 25.5) and CEQA regulations (23 California Code of Regulations Section 3777).
DISCUSSION:	<p>On September 11, 2002, the Regional Board re-issued their Waste Discharge Requirement Waiver Policy by adopting an amendment to the Basin Plan. This action updated and renewed the list of discharges for which this Regional Board has waived waste discharge requirements. These discharges, and the associated waiver conditions, are described in Chapter 4 and Appendix D of the Basin Plan.</p> <p>Further, an amendment to the Waiver Policy was adopted on February 5, 2003 to modify an inconsistency with the Policy and recent federal regulations governing Confined Animal Feeding Operations.</p> <p>On March 19, 2003 the State Water Resources Control Board adopted the Regional Board's Waiver Policy and forwarded all documentation pertaining to this Basin Plan amendment to the State Office of Administrative Law (OAL). Subsequently, OAL identified areas where minor corrections need to be made. It is possible that OAL may identify additional corrections that require minor changes during the remainder of the review process.</p> <p>Tentative Resolution No. R09-2003-0262 would, if adopted, modify the Regional Board's Waiver Policy to make minor corrections as identified by OAL. Additionally, adoption of this Tentative Resolution would authorize the Executive Officer to make additional minor modifications to correct deficiencies identified by OAL.</p>
LEGAL CONCERNS:	None have been identified.
SUPPORTING DOCUMENTS:	<p>1: Tentative Resolution No. R9-2003-0262 and Attachment A thereto. Attachment A includes Basin Plan Chapter 4 and Appendix D with proposed changes shown in redline/strikeout. Changes are located on pages 4-10, D-1 and D-2.</p> <p>2: Waiver of Waste Discharge Requirement Enrollment Form</p> <p>3: Temporary Waste Pile Certification Form</p>
RECOMMENDATION(S):	Adopt Tentative Resolution No. R09-2003-0262.

